

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 12

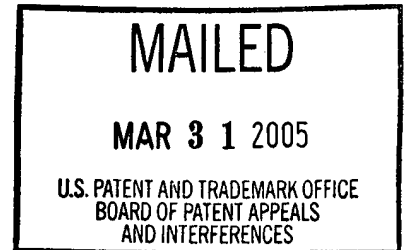
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ALESSANDRO DONATELLI, FABRIZIO LOPPINI
MATTIA DE ROSA and FRANCESCO RICCIO

Appeal No. 2005-0207
Application No. 09/576,696

ON BRIEF



Before JERRY SMITH, DIXON, and GROSS, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 17-32, which constitute all the claims in the application.

The disclosed invention pertains to a method and apparatus for configuring a pervasive device, such as a personal digital assistant (PDA), without requiring intervention by the pervasive device user in the configuration process.

17. For managing pervasive devices, a gateway component resident on a workstation, said gateway component being instantiable during synchronisation of said workstation with a pervasive device and comprising:

means for transmitting configuration information to the device agent, said agent comprising means for executing configuration commands in response to the configuration information received from the gateway component.

Lazaridis et al. (Lazaridis) 6,219,694 Apr. 17, 2001
(filed May 29, 1998)

Rather than repeat the arguments of appellants or the examiner, we make reference to the brief and the answer for the respective details thereof.

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the brief along with the examiner's

rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the disclosure of Lazaridis does not fully meet the invention as set forth in claims 17-32. Accordingly, we reverse.

Appellants have indicated that for purposes of this appeal the claims will all stand or fall together as a single group [brief, page 3]. Consistent with this indication appellants have made no separate arguments with respect to any of the claims on appeal. Accordingly, all the claims before us will stand or fall together. Note In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983). Therefore, we will consider the rejection against independent claim 17 as representative of all the claims on appeal.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ

303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

The examiner has indicated how he finds the invention of representative claim 17 to be fully met by the disclosure of Lazaridis [answer, pages 3-4]. Appellants argue that the claimed invention relates to a synchronization based system whereas Lazaridis is not a synchronization based system. Thus, appellants argue that Lazaridis does not teach any component that is instantiable during synchronization of a workstation with a pervasive device as claimed. Appellants also argue that Lazaridis fails to disclose the steps of transferring a device agent from an endpoint/workstation to a pervasive device at the start of a synchronization operation and then using the transferred agent to configure the pervasive device. Appellants argue that the only thing configured in Lazaridis is the redirector program itself and not some device agent which has been transferred to the pervasive device [brief, pages 3-5].

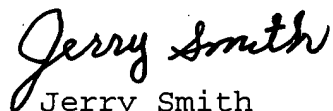
The examiner responds that the combination of replicating and pushing data as taught by Lazaridis equates to the claimed synchronization. The examiner also notes that he interprets a device agent to be the redirector program and anything associated to it such as a message. The examiner also responds that Lazaridis clearly teaches that transferred data is used to configure the pervasive device [answer, pages 7-9].

We will not sustain the examiner's rejection of any of the claims on appeal. We do not agree with appellants' argument with respect to synchronization. Lazaridis redirects information in response to certain triggering events. We are of the view that the triggering events in Lazaridis can be considered to be synchronization events within the broad meaning of that term. Nevertheless, we agree with appellants that Lazaridis fails to disclose the transferring of a device agent to a pervasive device, transferring configuration information to the device agent, and executing configuring commands in response to the configuration information. Specifically, we agree with appellants that the only element configured in Lazaridis is the redirect program. Although the redirect program can be placed either in the workstation or in the pervasive device, there is no suggestion in Lazaridis that the redirect program is transferred between them. The examiner reads the device agent on the messages transferred in Lazaridis, but we can find no support in Lazaridis that such messages execute configuration commands after they have been transferred to the device agent. Since we can find no support for the transferring of the device agent to a pervasive device, the transmitting of configuration information to the device agent, and the executing of configuration commands

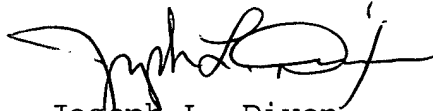
in the pervasive device, then the disclosure of Lazaridis fails to disclose every element of the claimed invention.

In summary, we have not sustained the examiner's rejection of the claims on appeal. Therefore, the decision of the examiner rejecting claims 17-32 is reversed.

REVERSED



Jerry Smith
Administrative Patent Judge



Joseph L. Dixon
Administrative Patent Judge



Anita Pellman Gross
Administrative Patent Judge

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